

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1438-DCL-E **TCEQ ID:** RN100607845 **CASE NO.:** 34557
RESPONDENT NAME: Patrick Y. Shin dba Cedar Hill Cleaners

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Cedar Hill Cleaners, 223 East Farm-to-Market Road 1382, Cedar Hill, Dallas County</p> <p>TYPE OF OPERATION: Dry cleaning drop station</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 25, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. John Shelton, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-2563; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Partick Y. Shin, Owner, Cedar Hill Cleaners, 103 East Beltline Road, Suite M, Cedar Hill, Texas 75104 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 15, August 13, and August 30, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 22, 2007 (NOE)</p> <p>Background Facts: These were routine investigations and a record review.</p> <p>WASTE</p> <p>1) Failed to renew the dry cleaner registration. Specifically, the previous registration expired on December 31, 2004 and was not renewed at the time of the investigations [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102(e)].</p> <p>2) Failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24002381 for fiscal years 2005, 2006, and 2007 [30 TEX. ADMIN. CODE § 337.14(c) and TEX. HEALTH & SAFETY CODE § 5.702].</p>	<p>Total Assessed: \$2,000</p> <p>Total Deferred: \$400 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$800 (remaining \$800 due in one monthly payment of \$800)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 15 days after the effective date of this Agreed Order, complete and submit the required dry cleaner and/or drop station registration form for the Facility;</p> <p>b. Within 30 days after the effective date of this Agreed Order, submit payment of all outstanding fees, including any associated penalties and interest; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

Additional ID No(s): SWR 82573



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	28-Aug-2007	Screening	4-Sep-2007	EPA Due	
	PCW	4-Sep-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Patrick Y. Shin dba Cedar Hill Cleaners		
Reg. Ent. Ref. No.	RN100607845		
Facility/Site Region	4- Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34557	No. of Violations	2
Docket No.	2007-1438-DCL-E	Order Type	1660
Media Program(s)	Dry Cleaner	Enf. Coordinator	John Shelton
Multi-Media		EC's Team	EnforcementTeam 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$4,885**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **5% Enhancement** **Subtotals 2, 3, & 7** **\$244**

Notes The Respondent received one NOV with same or similar violations.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts **\$141** **0% Enhancement*** **Subtotal 6** **\$0**
Approx. Cost of Compliance **\$750** ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$5,129**

OTHER FACTORS AS JUSTICE MAY REQUIRE

-61%

Adjustment **-\$3,129**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Recommended reduction in the penalty so that the dry cleaner registration violation does not overly impact the penalty amount.

Final Penalty Amount **\$2,000**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$2,000**

DEFERRAL

20%

Reduction **Adjustment** **-\$400**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,600**

Screening Date 4-Sep-2007

Docket No. 2007-1438-DCL-E

PCW

Respondent Patrick Y. Shin dba Cedar Hill Cleaners

Policy Revision 2 (September 2002)

Case ID No. 34557

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100607845

Media [Statute] Dry Cleaner

Enf. Coordinator John Shelton

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent received one NOV with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 4-Sep-2007		Docket No. 2007-1438-DCL-E		PCW		
Respondent Patrick Y. Shin dba Cedar Hill Cleaners		<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 34557		<small>PCW Revision June 26, 2007</small>				
Reg. Ent. Reference No. RN100607845						
Media [Statute] Dry Cleaner						
Enf. Coordinator John Shelton						
Violation Number		<div style="border: 1px solid black; text-align: center; width: 50px;">1</div>				
Rule Cite(s)		<div style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code § 337.11(e) and Tex. Health & Safety Code § 374.102(e)</div>				
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to renew the dry cleaner registration, as documented during investigations conducted on June 15 and August 13, 2007. Specifically, the previous registration expired on December 31, 2004 and was not renewed at the time of the investigations.</div>				
Base Penalty					<div style="border: 1px solid black; text-align: center; width: 50px;">\$50</div>	
>> Environmental, Property and Human Health Matrix						
OR	Release		Harm		Percent	
			Major	Moderate		Minor
	Actual	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
					<div style="border: 1px solid black; text-align: center; width: 50px;">0%</div>	
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor	Percent	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; text-align: center; width: 20px;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>		
					<div style="border: 1px solid black; text-align: center; width: 50px;">10%</div>	
Matrix Notes	<div style="border: 1px solid black; padding: 5px; text-align: center;">100% of the rule requirement was not met.</div>					
Adjustment					<div style="border: 1px solid black; text-align: center; width: 50px;">\$45</div>	
					<div style="border: 1px solid black; text-align: center; width: 50px;">\$5</div>	
Violation Events						
Number of Violation Events		<div style="border: 1px solid black; text-align: center; width: 50px;">977</div>		<div style="border: 1px solid black; text-align: center; width: 50px;">977</div> Number of violation days		
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; text-align: center; width: 50px;">x</div>				
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>				
					Violation Base Penalty	
					<div style="border: 1px solid black; text-align: center; width: 50px;">\$4,885</div>	
<div style="border: 1px solid black; padding: 5px;">Nine hundred seventy-seven daily events are recommended from the December 31, 2004 expiration date to the September 4, 2007 screening date.</div>						
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<div style="border: 1px solid black; text-align: center; width: 50px;">\$141</div>		Violation Final Penalty Total		
				<div style="border: 1px solid black; text-align: center; width: 50px;">\$2,000</div>		
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; text-align: center; width: 50px;">\$2,000</div>	

Economic Benefit Worksheet

Respondent Patrick Y. Shin dba Cedar Hill Cleaners

Case ID No. 34557

Reg. Ent. Reference No. RN100607845

Media Dry Cleaner

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$750	1-Sep-2004	8-Jun-2008	3.8	\$141	n/a	\$141
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date the registration was due and the final date is the estimated date of compliance.

Avoided Costs
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs
Approx. Cost of Compliance
\$750
TOTAL
\$141

Screening Date 4-Sep-2007

Docket No. 2007-1438-DCL-E

PCW

Respondent Patrick Y. Shin dba Cedar Hill Cleaners

Policy Revision 2 (September 2002)

Case ID No. 34557

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100607845

Media [Statute] Dry Cleaner

Enf. Coordinator John Shelton

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 337.14(c) and Tex. Water Code § 5.702

Violation Description

Failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24002381 for fiscal years 2005, 2006, and 2007, as documented during a record review conducted on August 30, 2007.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

No penalty is calculated for this violation.

Adjustment \$50

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$0

No penalty is recommended because penalty and interest will be assessed at the next billing cycle.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet**Respondent** Patrick Y. Shin dba Cedar Hill Cleaners**Case ID No.** 34557**Reg. Ent. Reference No.** RN100607845**Media** Dry Cleaner**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN602563132 SHIN, PATRICK Y Classification: AVERAGE Rating: 0.33

Regulated Entity: RN100607845 CEDAR HILL CLEANERS 223 E FM 1382 Classification: Site Rating:

ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE GENERATION EPA ID TX0000451542
INDUSTRIAL AND HAZARDOUS WASTE GENERATION SOLID WASTE REGISTRATION # 82573
DRY CLEANERS REGISTRATION (SWR) INTERNAL 100607845

Location: 223 E FM 1382, CEDAR HILL, TX, 75104

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: August 28, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 28, 2002 to August 28, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: John Shelton Phone: (512) 239-2563

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 06/25/2007 (564324)
2 08/21/2007 (572041)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 06/22/2007 (564324)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 337, SubChapter A 337.1(4)
30 TAC Chapter 337, SubChapter B 337.11(e)
TEXAS HEALTH AND SAFETY CODE 374.102(e)
Description: Failure to reregister as a dry cleaner drop station in order to obtain a valid, current agency drop station registration certificate for FY 05, FY 06 and FY 07 as required.
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PATRICK Y. SHIN DBA CEDAR HILL
CLEANERS
RN100607845**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1438-DCL-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Patrick Y. Shin dba Cedar Hill Cleaners ("Mr. Shin") under the authority of TEX. HEALTH & SAFETY CODE ch. 374 and TEX. WATER CODE chs. 5 and 7. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Shin appear before the Commission and together stipulate that:

1. Mr. Shin owns and operates a dry cleaning drop station at 223 East Farm-to-Market Road 1382 in Cedar Hill, Dallas County, Texas (the "Facility").
2. The TCEQ has general authority concerning the Facility pursuant to TEX. HEALTH & SAFETY CODE § 374.051.
3. The Commission and Mr. Shin agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Shin is subject to the Commission's jurisdiction.
4. Mr. Shin received notice of the violations alleged in Section II ("Allegations") on or about August 27, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Shin of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Two Thousand Dollars (\$2,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Shin has paid Eight Hundred Dollars (\$800) of the administrative penalty and Four Hundred Dollars (\$400) is deferred contingent upon Mr. Shin's timely and satisfactory compliance with all the terms of this Agreed Order. If Mr. Shin fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. Shin to pay all or part of the deferred penalty.

The remaining amount of Eight Hundred Dollars (\$800) of the administrative penalty shall be payable in one monthly payment of Eight Hundred Dollars (\$800). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. If Mr. Shin fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Shin to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Shin to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Shin have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Shin has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Shin is alleged to have:

1. Failed to renew the dry cleaner registration, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102(e), as documented during investigations conducted on June 15 and August 13, 2007. Specifically, the previous registration expired on December 31, 2004 and was not renewed at the time of the investigations.
2. Failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24002381 for fiscal years 2005, 2006, and 2007, in violation of 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702, as documented during a record review conducted on August 30, 2007.

III. DENIALS

Mr. Shin generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Shin pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Shin's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Patrick Y. Shin dba Cedar Hill Cleaners, Docket No. 2007-1438-DCL-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Mr. Shin shall undertake the following technical requirements:

- a. Within 15 days after the effective date of this Agreed Order, complete and submit the required dry cleaner and/or drop station registration form for the Facility, in accordance with 30 TEX. ADMIN. CODE ch. 337 to:

Dry Cleaning Registration Team
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 30 days after the effective date of this Agreed Order, submit payment of all outstanding fees, including any associated penalties and interest with the notation, "Patrick Y. Shin dba Cedar Hill Cleaners, Financial Administration Account No. 24002381", to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering

Provisions 2.a. and b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Dr.
Fort Worth, TX 76118-6951

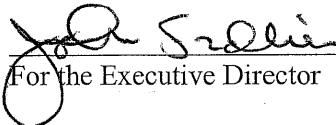
3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Shin. Mr. Shin is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Mr. Shin fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Shin's failure to comply is not a violation of this Agreed Order. Mr. Shin shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Shin shall notify the Executive Director within seven days after Mr. Shin becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Shin shall be made in writing to the Executive Director. Extensions are not effective until Mr. Shin receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Shin in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Shin, or three days after the date on which the Commission mails notice of the Order to Mr. Shin, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

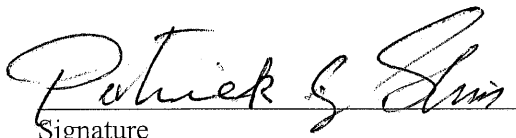
4/21/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

11-30-07
Date

PATRICK Y. SHIN
Name (Printed or typed)
Authorized Representative of
Patrick Y. Shin dba Cedar Hill Cleaners

OWNER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

